



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0730

Introduced 2/7/2007, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

210 ILCS 74/45
410 ILCS 4/20
410 ILCS 4/30
745 ILCS 49/12

Amends the Physical Fitness Facility Medical Emergency Preparedness Act, the Automated External Defibrillator Act, and the Good Samaritan Act. Deletes a provision requiring a person, unit of state or local government, or school district operating a physical fitness facility to adopt a medical emergency plan, to have an Automated External Defibrillator (AED) at the facility, and maintain the AED in accordance with certain standards in order to avoid civil liability. Deletes provisions requiring a person who acquires an AED to take reasonable measures to ensure that the AED is used by only trained AED users and that the AED is registered with the EMS system hospital in the vicinity of where the AED will primarily be located. Adds a provision requiring that a person who acquires an AED take reasonable measures to ensure that any person considered to be an anticipated rescuer or user will have successfully completed a course of instruction in accordance with the standards of a nationally recognized organization or a course of instruction in accordance with the rules adopted under the Act to use an AED and to perform cardiovascular resuscitation (CPR). In a Section involving exemption from civil liability, deletes provisions mandating the requirements of the Act to be met in order for certain persons to avoid civil liability in relation to an act or omission involving an AED. Provides that any person who in good faith, not for compensation, renders emergency medical care involving the use of an AED in accordance with his or her training is not liable for any civil damages as a result of any act or omission, except for willful and wanton misconduct, by that person in rendering that care (now, any person who has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest that included training in the operation and use of an AED and was conducted in accordance with the standards of the American Heart Association). Effective immediately.

LRB095 04021 KBJ 24058 b

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Physical Fitness Facility Medical Emergency
5 Preparedness Act is amended by changing Section 45 as follows:

6 (210 ILCS 74/45)

7 Sec. 45. Liability. Nothing in this Act shall be construed
8 to either limit or expand the exemptions from civil liability
9 in connection with the purchase or use of an automated external
10 defibrillator that are provided under the Automated External
11 Defibrillator Act or under any other provision of law. A right
12 of action does not exist in connection with the use or non-use
13 of an automated external defibrillator at a facility governed
14 by this Act, except for willful or wanton misconduct, ~~provided~~
15 ~~that the person, unit of state or local government, or school~~
16 ~~district operating the facility has adopted a medical emergency~~
17 ~~plan as required under Section 10 of this Act, has an automated~~
18 ~~external defibrillator at the facility as required under~~
19 ~~Section 15 of this Act, and has maintained the automated~~
20 ~~external defibrillator in accordance with the rules adopted by~~
21 ~~the Department.~~

22 (Source: P.A. 93-910, eff. 1-1-05.)

1 Section 10. The Automated External Defibrillator Act is
2 amended by changing Sections 20 and 30 as follows:

3 (410 ILCS 4/20)

4 Sec. 20. Maintenance; oversight.

5 (a) A person acquiring an automated external defibrillator
6 shall take reasonable measures to ensure that:

7 (1) (blank) ~~the automated external defibrillator is~~
8 ~~used only by trained AED users;~~

9 (2) the automated external defibrillator is maintained
10 and tested according to the manufacturer's guidelines;

11 (3) any person considered to be an anticipated rescuer
12 or user will have successfully completed a course of
13 instruction in accordance with the standards of a
14 nationally recognized organization such as the American
15 Red Cross of the American Heart Association or a course of
16 instruction in accordance with the rules adopted under this
17 Act to use an automated external defibrillator and to
18 perform cardiovascular resuscitation (CPR); ~~the automated~~
19 ~~external defibrillator is registered with the EMS system~~
20 ~~hospital in the vicinity of where the automated external~~
21 ~~defibrillator will primarily be located which shall~~
22 ~~oversee utilization of the automated external~~
23 ~~defibrillator and ensure that training and maintenance~~
24 ~~requirements are met;~~ and

25 (4) any person who renders out-of-hospital emergency

1 care or treatment to a person in cardiac arrest by using an
2 automated external defibrillator activates the EMS system
3 as soon as possible and reports any clinical use of the
4 automated external defibrillator.

5 (b) A person in possession of an automated external
6 defibrillator shall notify an agent of the local emergency
7 communications or vehicle dispatch center of the existence,
8 location, and type of the automated external defibrillator.

9 (Source: P.A. 91-524, eff. 1-1-00.)

10 (410 ILCS 4/30)

11 Sec. 30. Exemption from civil liability.

12 (a) A physician licensed in Illinois to practice medicine
13 in all its branches who authorizes the purchase of an automated
14 external defibrillator is not liable for civil damages as a
15 result of any act or omission arising out of authorizing the
16 purchase of an automated external defibrillator, except for
17 willful or wanton misconduct, ~~if the requirements of this Act~~
18 ~~are met.~~

19 (b) An individual or entity providing training in the use
20 of automated external defibrillators is not liable for civil
21 damages as a result of any act or omission involving the use of
22 an automated external defibrillator, except for willful or
23 wanton misconduct, ~~if the requirements of this Act are met.~~

24 (c) A person, unit of State or local government, or school
25 district owning, occupying, or managing the premises where an

1 automated external defibrillator is located is not liable for
2 civil damages as a result of any act or omission involving the
3 use of an automated external defibrillator, except for willful
4 or wanton misconduct, ~~if the requirements of this Act are met.~~

5 (d) An AED user is not liable for civil damages as a result
6 of any act or omission involving the use of an automated
7 external defibrillator in an emergency situation, except for
8 willful or wanton misconduct, ~~if the requirements of this Act
9 are met.~~

10 (e) This Section does not apply to a public hospital.

11 (Source: P.A. 93-910, eff. 1-1-05.)

12 Section 15. The Good Samaritan Act is amended by changing
13 Section 12 as follows:

14 (745 ILCS 49/12)

15 Sec. 12. Use of an automatic external defibrillator;
16 exemption from civil liability for emergency care. Any person
17 who ~~has successfully completed the training requirements of a
18 course in basic emergency care of a person in cardiac arrest
19 that:~~

20 ~~(i) included training in the operation and use of an
21 automatic external defibrillator; and~~

22 ~~(ii) was conducted in accordance with the standards of
23 the American Heart Association,~~

24 ~~and who,~~ in good faith, not for compensation, renders emergency

1 medical care involving the use of an automatic external
2 defibrillator in accordance with his or her training is not
3 liable for any civil damages as a result of any act or
4 omission, except for willful and wanton misconduct, by that
5 person in rendering that care.

6 (Source: P.A. 90-746, eff. 8-14-98.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.